

REMARKS

As a preliminary matter, the specification and claims are objected to based on the reasons set forth on page 2 of the present Office Action. Applicants amend the specification and the claims, as indicated herein, and Applicants believe that the Examiner's objections to the claims and specification are obviated.

Claims 1-20 are all the claims pending in the present application. Claims 1-20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Barkan et al. (US Patent No. 6,925,493) in view of Tunnicliffe et al. (US Patent No. 6,272,110).

With respect to independent claim 1, Applicants submit that neither Barkan nor Tunnicliffe, either alone or in combination, discloses or suggest at least, "said processing means being arranged in order to determine said action to be undertaken amongst an action group comprising a proposal to modify the SLA made between said user and said operator and/or a proposal to modify the services and/or resources of said network," as recited in claim 1. The Examiner acknowledges that Barkan does not satisfy the above-quoted feature, however the Examiner believes that Tunnicliffe makes up for the deficiencies of Barkan. Tunnicliffe is directed to a method and apparatus for managing at least part of a communications network, wherein a predictor is used to predict parameters such as bandwidth levels and to predict when the parameters when will exceed capacity or a previously agreed threshold. Based on the predicted values, an agent can negotiate on behalf of a customer or a service provider for new terms of an agreement. That is, in Tunnicliffe, an agent makes any proposals to modify a previously agreed upon service agreement based on the predicted parameters of the predictor

device. Differently, the present invention, as recited in claim 1, describes that a processing means of a device performs the operation of proposing to modify a previously made SLA and/or a proposal to modify the services and/or resources of the network. Nowhere does Tunncliffe describe that a processing means (of a device) perform these operations. At least because the above-discussed features are not satisfied by the applied references, either alone or in combination, Applicants submit that claim 1 is patentably distinguishable over Barkan and Tunncliffe.

Applicants submit that amended independent claim 11 is patentable at least based on reasons similar to those set forth above with respect to claim 1.

Applicants submit that dependent claims 2-10 and 12-20 are patentable at least by virtue of their respective dependencies.

Further, with respect to claim 3, Applicants submit that neither Barkan nor Tunncliffe, either alone or in combination, discloses or suggests a processing means that adapts at least some of the proposals to modify the services and resources of the network according to at least one SLA modification proposal. As indicated above, the Tunncliffe reference discloses that a human agent performs the actions of determining whether a proposal would be made. However, according to an exemplary embodiment of the present invention, as recited in claim 3, for example, the processing means of the claimed device performs said operations. Therefore, at least based on the foregoing, Applicants submit that the applied references do not satisfy the present invention, as recited in claim 3.

Applicants submit that dependent claims 4, 7, and 8 are patentable at least based on reasons similar to those set forth above with respect to claim 3.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 10/657,160

ATTORNEY DOCKET NO. Q77141

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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